Crl.Misc. No.28698-M of 2007

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Present:- Mr.Rakesh Bhatia, Advocate
for the petitioner.

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This petition under Section 482 Cr.P.C. has been filed seeking permanent exemption from personal appearance before the trial Court. The petitioner had filed an application under Section 205 Cr.P.C. before the trial Court seeking personal exemption from appearance. The copy of the application has not been placed on record and neither has the same been shown during the course of hearing. A perusal of the order dated 12.8.2006 (Annexure P2) passed by the learned trial Court shows that the application was moved on the ground that the petitioner was unable to attend the Court due to heavy rush at Chandigarh in business.

By way of the present petition the petitioner has stated that he is suffering from liver disease and he has to get himself checked up from a Doctor and also run to the hospital whenever an emergency arises. The petitioner has shown some medical slips of the year 2004 and 2007 of the General Hospital, Chandigarh. It is further submitted that the case is fixed for evidence of the complainant. However, the complainant has not brought even a single witness on 29.4.2006, 10.6.2006, 15.7.2006, 12.8.2006, 14.10.2006, 25.11.2006, 27.1.2007, 3.3.2007 and 21.4.2007. The case is now fixed for 9.6.2007. A copy of the interim orders passed on the said dates have also not been placed on the file.

It may be noticed that no material has been placed on record to show that the petitioner is having any ailment of the liver. Besides, had the interim orders referred to above been placed on record, it could be seen as to on whose behest were the adjournments taken. In the circumstances and

in the absence of any material, no ground is made out for granting permanent exemption to the petitioner from his appearance before the Court. The trial Court shall, however, make every effort to expedite the trial.

The criminal miscellaneous petition is accordingly dismissed.

(S.S.SARON)
JUDGE

May 7,2007
Reema